

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 1:13-cv-10469-RGS

MICHAEL WESSON; THOMAS WOODS;
and COMMONWEALTH SECOND
AMENDMENT, INC.,

Plaintiffs

v.

TOWN OF SALISBURY, a Municipal
Corporation; THOMAS FOWLER, Chief of
the Town of Salisbury Department of Police;
TOWN OF NATICK, a Municipal
Corporation; JAMES HICKS, Chief of the
Town of Natick Department of Police,

Defendants

ASSENTED-TO MOTION TO
ENLARGE TIME TO RESPOND TO
AMENDED COMPLAINT

Now come defendants, Town of Salisbury and Chief of Police for the Town of Salisbury Thomas Fowler (collectively the “Defendants”), with the plaintiffs’ assent, and hereby respectfully request that the time for responding to the above-captioned Amended Complaint be extended until May 1, 2013.

As grounds for this Motion, the Defendants state as follows:

1. A Complaint in the above-captioned case was filed on March 1, 2013. An Amended Complaint was also filed on March 1, 2013.
2. The Town was served with the Amended Complaint on March 11, 2013.
3. Accordingly, the Town’s response to the Amended Complaint is currently due on April 1, 2013.
4. The Defendants’ counsel filed Notices of Appearance on March 25, 2013.
5. To date, the remaining defendants, the Town of Natick and Chief of Police for the Town of Natick James Hicks, have not appeared in the case or otherwise responded to the Amended Complaint.

6. The Amended Complaint raises complex legal claims against the Defendants involving allegations of Second and Fourteenth Amendment violations pursuant to 42 U.S.C. §1983 and requests declaratory and injunctive relief.
7. The Town is in the process of evaluating the plaintiffs' claims and preparing a thorough and complete response. However, additional time is needed to fully assess the plaintiffs' claims.
8. The Town is also awaiting a determination from its insurance carrier as to coverage, which may affect the defense of this case.
9. This case is in the earliest possible stages of litigation. No party will be prejudiced by the allowance of this Motion, and the plaintiffs have assented to the same.

WHEREFORE, the Defendants respectfully requests that the time for responding to the Amended Complaint be extended up to and including May 1, 2013.

ASSENTED TO:

PLAINTIFFS,

MICHAEL WESSON, THOMAS WOODS;
and COMMONWEALTH SECOND
AMENDMENT, INC.

By their attorney,

/s/ Jeffrey T. Scrimo (by JMA)
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DEFENDANTS,

TOWN OF SALISBURY and THOMAS
FOWLER, Chief of the Town of Salisbury
Department of Police

By their attorneys,

/s/ Janelle M. Austin
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Gregg J. Corbo (BBO# 641459)
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CERTIFICATE OF COMPLIANCE WITH L.R. 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2) of the United States District Court for the District of Massachusetts, counsel for the defendants hereby certifies that she conferred with counsel for the plaintiffs regarding the within motion and that the plaintiffs have assented to the within Motion. /s/ Janelle M. Austin

CERTIFICATE OF SERVICE

I, Janelle M. Austin, certify that the above document will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be served upon any party or counsel of record who is not a registered participant of the Court's ECF system upon notification by the Court of those individuals who will not be served electronically. /s/ Janelle M. Austin

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